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IN THE DRAWINGS:

A replacement or substitute sheet of drawings bearing Figs. 1 and 2 is filed herewith.

On the substitute sheet, two changes have been made, one to Fig. 1 and a second to Fig. 2. In Fig. 1, the "COMPUTING DEVICE" has been labeled with reference character "131" rather than "130." In Fig. 2, the line extending from reference number "270" has been extended so as to point to one of the "ribs" indicated in the specification with the reference number "270." No other changes are made to Figs. 1 and 2.

No new matter has been added. Consequently, entry of the replacement sheet of drawings is respectfully requested.

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This is a full and timely response to the non-final Official Action mailed February 14, 2007. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

By the forgoing amendment, the specification and various claims have been amended. Claims 2 and 42 have been cancelled without prejudice or disclaimer. New claim 44 has been added. Thus, claims 1, 3-41, 43 and 44 are currently pending for further action.

Allowable Subject Matter:

In the recent Office Action, the Examiner allowed claims 11-28 and further indicated the presence of allowable subject matter in claims 4-10, 32-35 and 37-40. Applicant wishes to thank the Examiner for the allowance of claims 11-28 and for the further finding of allowable subject matter in claims 4-10, 32-35 and 37-40.

Applicant agrees with the Examiner's conclusions regarding the patentability of these claims without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant believes that the indicated claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the claims or claimed subject matter may be paraphrased.

In accordance with the Examiner's finding of allowable subject matter, allowable claims 4, 32 and 36 have each been amended herein and rewritten as an independent claim. Consequently, following entry of this amendment, claims 4, 32 and 36, and their respective

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dependent claims, should be in condition for allowance based on the Examiner's finding of allowable subject matter therein.

Specification and Drawings:

The recent Office Action objected to the disclosure due to minor informalities noted in paragraphs 0018, 0021 and 0022 and Figs. 1 and 2. Applicant has addressed these issues with appropriate corrections to the indicated paragraphs and drawings. The changes to the specification and drawings are explained above. No new matter has been added.

Consequently, following entry of the present amendment, these objections to the application may be reconsidered and withdrawn.

Double Patenting:

Claims 1-3, 29-31, 36 and 41 were rejected under the judicially-created doctrine of obviousness-type double patenting in view of prior U.S. Patent No. 6,860,583. Without necessarily agreeing with this double patenting rejection, in order to advance the prosecution of this application, Applicant has filed herewith a terminal disclaimer of the present application with respect to U.S. Patent No. 6,860,583. Therefore, following entry of the present amendment, the double patenting rejection can be reconsidered and withdrawn.

Prior Art:

With regard to the prior art, claims 1-3, 29-31, 36, 41 and 42 were rejected as anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,809,047 to Lebold et al. ("Lebold"). For at least the following reasons, this rejection is respectfully traversed.

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Claim 1 now recites:

An ink over-spray containment apparatus, comprising:
a first member having a first fluidic transport coefficient and a first ink affinity;
a second member coupled to said first member, said second member having a second fluidic transport coefficient lesser than said first fluidic transport coefficient and a second ink affinity greater than said first ink affinity;
wherein said first member comprises porous plastic.
(Emphasis added).

Claim 1 has been amended herein to include the subject matter of cancelled claim 2.

In rejecting claim 2, the Office Action alleges that Lebold teaches the claimed member comprising porous plastic. (Action of 2/14/07, p. 10). However, the Action does not explain how or where Lebold teaches this subject matter. Accordingly, no *prima facie* case of anticipation has been made.

Moreover, Lebold does not appear to teach or suggest the claimed containment apparatus with a member comprising porous plastic. "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Lebold of claim 1 and its dependent claims should be reconsidered and withdrawn.

Independent claim 29 recites:

A method of containing fluid over-spray, comprising:
providing a first member having a first ink affinity, a first fluidic transport coefficient and a sprayed surface;
providing a second member having an ink affinity greater than said first ink affinity and a fluidic transport coefficient lesser than said first fluidic transport; and
transporting an ink from said sprayed surface to said second member; and

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disposing said first and second members within a platen to contain a seepage of said ink from said first and second members.
(Emphasis added).

Support for the amendment to claim 29 can be found in Applicant's originally filed specification at, for example, paragraph 0022.

In contrast, Lebold fails to teach or suggest the claimed method including disposing the first and second ink absorbing members in a platen and that also contains any seepage of ink that may escape from those members. "A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Lebold of claim 29 and its dependent claims should be reconsidered and withdrawn.

Similarly, claim 36 recites:

A method of forming an ink over-spray containment apparatus, comprising:
providing a first member having a first ink affinity and a first fluidic transport coefficient;
providing a second member having a second ink affinity higher than said first ink affinity and a fluidic transport coefficient lower than said first fluidic transport coefficient; and
providing a platen that contains said first and second members and contains any ink that may escape from either the first or second member.
(Emphasis added).

Support for the amendment to claim 36 can be found in Applicant's originally filed specification at, for example, paragraph 0022.

As indicated above, Lebold fails to teach or suggest the claimed method including providing a platen that contains first and second ink absorbing members that also contains any ink that may escape from those members. "A claim is anticipated [under 35 U.S.C. §

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102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Lebold of claim 36 should be reconsidered and withdrawn.

Claim 41 now recites:

An ink over-spray containment system, comprising:
ink transport means for transporting ink away from a sprayed surface having an ink affinity and a fluidic transport coefficient;
ink containment means for containing said ink, said ink containment means having greater ink affinity and lesser fluidic transport characteristics than said ink transport means; and
compression means for applying a force to said ink transport means and said ink containment means to increase a contact surface area between said ink transport means and said ink containment means.

(Emphasis added).

Support for the amendment to claim 41 can be found in Applicant’s originally filed specification at, for example, paragraph 0021.

In contrast, Lebold does not appear to teach or suggest the claimed compression means for applying a force to an ink transport means and ink containment means so as to increase a contact surface area between the ink transport means and ink containment means.

“A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection based on Lebold of claim 41 and its dependent claims should be reconsidered and withdrawn.

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Claim 43 was rejected as being unpatentable under 35 U.S.C. § 103(a) over the teachings of Lebold taken alone. This rejection is respectfully traversed for at least the reasons given above with respect to claim 41 and for the following additional reasons.

Claim 43 recites "means for sealingly supporting said ink transport means, said ink containment means, and said contact surface area increasing means." The Office Action concedes that Lebold does not teach this subject matter. (Action of 2/14/07, p. 13). However, the Office Action, nevertheless, declares that such would have been obvious. This is legally insufficient to support a rejection of Applicant's claim.

The examiner has the initial burden of demonstrating that all the claimed features of the invention are taught by the prior art. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Where the examiner relies on a single reference under § 103, it has been held insufficient to merely state that it would be obvious, or a mere matter of design choice, to modify the disclosure to include the features of the claimed invention. *In re Mills*, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. (emphasis added). Accord. M.P.E.P. § 706.02(j). For at least these additional reasons, the rejection of claim 43 should be reconsidered and withdrawn.

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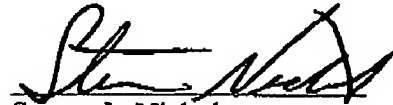
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For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: May 14, 2007

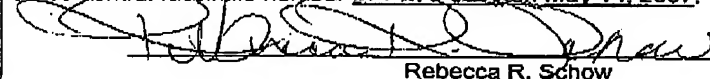
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office central-facsimile number ~~571-273-8300~~ on May 14, 2007. Number of Pages: 25


Rebecca R. Schow